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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 13-CR-00063 DLJ
	)	
Plaintiff,	)	<b>STIPULATION TO CONTINUE STATUS</b>
	)	<b>CONFERENCE; ORDER</b>
v.	)	
	)	
MARIO ARIAS-MARTINEZ,	)	
	)	
Defendant.	)	

**STIPULATION**

The United States, by and through Special Assistant United States Attorney Edward R. Fluet, and defendant Mario Arias-Martinez, by and through Assistant Federal Public Defender Varell L. Fuller, hereby stipulate that, with the Court's approval, the status hearing currently set for October 17, 2013 at 9:00 a.m., shall be continued to October 31, 2013 at ; :00 a.m.

The reason for the requested continuance is that defendant has requested that the government review certain legal issues surrounding defendant's prior deportation that may affect the ultimate disposition of this matter. The parties should have a resolution by the October 31, 2013 court date.

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STIPULATION TO CONTINUE  
13-CR-00063 DLJ

1 The parties agree that the time between October 17, 2013, and October 31, 2013, is excludable  
2 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of counsel and  
3 effective preparation by government counsel.

4 IT IS SO STIPULATED.

5 Dated: October 16, 2013

6 /s/  
EDWARD R. FLUET  
7 Special Assistant United States Attorney

8 Dated: October 16, 2013

9 /s/  
10 VARELL L. FULLER  
Assistant Federal Public Defender

11  
12 **¶ ORDER**

13 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that  
14 the status hearing shall be continued from October 17, 2013 at 9:00 a.m. to October 31, 2013 at 9:00  
15 a.m.

16 THE COURT FINDS that failing to exclude the time between October 17, 2013, and October 31,  
17 2013, would unreasonably deny counsel the reasonable time necessary for effective preparation, taking  
18 into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

19 THE COURT FURTHER FINDS that the ends of justice served by excluding the time between  
20 October 17, 2013, and October 31, 2013, from computation under the Speedy Trial Act outweigh the  
21 interests of the public and the defendant in a speedy trial.

22 THEREFORE, IT IS HEREBY ORDERED that the time between October 17, 2013, and  
23 October 31, 2013, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C.  
24 § 3161(h)(7)(A) and (B)(iv).

25 IT IS SO ORDERED

26 Dated: October F<sup>1</sup>, 2013

27   
28 THE HONORABLE D. LOWELL JENSEN  
United States District Court Judge